

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

JERRY MCKINNEY, SR.,

Plaintiff,

v.

**RAPIDES PARISH SHERIFF'S OFFICE and
SHERIFF WILLIAM EARL HILTON,**

Defendants.

Case No. 1:19-CV-01339-DDD-JPM

**DEFENDANTS' RESPONSE TO PLAINTIFF'S UNDISPUTED FACTS IN SUPPORT
OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

1. The testimony relates to an April 9, 2018 incident. The alleged discrimination was November of 2018 well after McKinney returned to baseline.
2. The testimony relates to an April 9, 2018 incident. The alleged discrimination was November of 2018 well after McKinney returned to baseline.
3. The doctor has clarified that Mr. McKinney had a small stroke, returned to baseline in May of 2018 and has retracted the July and November 2018 statements.
4. The letter was written November 27 of 2018 and the doctor has retracted his statement.
5. The time sheets do not reflect working in the kitchen and the time sheets show McKinney was being paid for 12 hours while allegedly working 8 hours.
6. McKinney was not assigned to the kitchen. He was assigned to corrections working 12 hour shifts.
7. The letter was written and it does reflect that the job description was 12 hours which McKinney alleges he could not do.
8. Mr. McKinney did write a December 5, 2018 letter seeking a transfer which amounts to removal of essential elements of the 12 hour shift which is not authorized under the ADA.
9. Sheriff Hilton did respond to Mr. McKinney evidencing there was consideration for his request although it is now known the request was based on an improperly obtained medical letter.

10. Mr. McKinney did write a December 17, 2018 letter seeking a transfer which amounts to removal of essential elements of the 12 hour shift which is not authorized under the ADA.
11. Mr. McKinney was terminated. Removal of essential elements of the 12 hour shift which is not authorized under the ADA

Respectfully submitted:

/S/Timothy R. Richardson
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